UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/332
16 April 1998

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

1. The Secretary-General has the honour to transmit to the Security Council a report submitted by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) of 3 April 1991.

2. The present report is the fifth report by the Executive Chairman of the Special Commission following the adoption of Security Council resolution 1051 (1996) of 27 March 1996, in paragraph 16 of which the Council called for the consolidation of the reports required under the Council's resolutions 699 (1991) of 17 June 1991 and 715 (1991) of 11 October 1991.[1]

3. This report also responds to the request made of the Executive Chairman of the Special Commission, in paragraph 4 of Security Council resolution 1115 (1997) of 21 June 1997 and paragraph 5 of Council resolution 1134 (1997) of 23 October 1997, that he include in his consolidated progress reports under resolution 1051 (1996) an annex evaluating Iraq's compliance with paragraphs 2 and 3 of resolution 1115 (1997).

Notes

[1] The Commission's 22 previous reports are contained in documents S/23165, S/23268, S/23801, S/24108 and Corr.1, S/24661, S/24984, S/25620, S/25977, S/26684, S/26910, S/1994/489, S/1994/750, S/1994/1138 and Corr.1, S/1994/1422 and Add.1, S/1995/284, S/1995/494, S/1995/864, S/1995/1038, S/1996/258, S/1996/848, S/1997/301 and S/1997/774.

Report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)

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I. INTRODUCTION

1. On 23 October 1997, the Security Council adopted resolution 1134 (1997) following its consideration of the consolidated report submitted to it by the Special Commission (UNSCOM) on 6 October 1997 (S/1997/774). Six days later, on 29 October 1997, the Government of Iraq announced policy decisions imposing unacceptable conditions upon the conduct of the Commission's work within Iraq. This caused the beginning of a period widely recognized to be one of crisis in the relations between Iraq and the Commission. Events during that period are recorded in the annex to the present report.

2. As part of the response to the crisis situation, at the request of the Security Council, the Special Commission met in emergency session on 21 November 1997. During that session, Commissioners reiterated the fundamental need for Iraq to comply with the resolutions and decisions of the Security Council and to cooperate fully with the Commission. The Commissioners also made a number of recommendations for action designed to improve the effectiveness of the Commission's work. Actions that have been taken to implement the report (S/1997/922) and recommendations of the emergency session are dealt with in the body of the present report.

3. The period of crisis came to a close during the Secretary-General's visit to Baghdad and the signature on 23 February 1998 of the Memorandum of Understanding between the Republic of Iraq and the United Nations (S/1998/166). The Memorandum of Understanding was subsequently endorsed by the Security Council in its resolution 1154 (1998) of 2 March 1998.

4. The Memorandum of Understanding reconfirmed Iraq's acceptance of all relevant resolutions of the Security Council and reiterated Iraq's undertaking to cooperate fully with the Commission and the International Atomic Energy Agency (IAEA). It also established special procedures to apply to the initial and subsequent entries by the Commission and IAEA for the performance of the tasks mandated at the eight presidential sites in Iraq, which were defined in the annex to the Memorandum. It also provided that all other areas of Iraq and facilities, equipment, records and means of transportation would be subject to the Commission's procedures hitherto established.

5. In the Commission's view, the Memorandum of Understanding served not only the crucial objective of bringing to an end an increasingly dangerous situation, but also provided an important means through which the Commission should be able to discharge its mandate, as laid down by the Security Council, if Iraq adheres to the undertaking of full cooperation it gave in the Memorandum.

6. In this context, it should be recalled that the Commission's mandate has two parts: the identification and destruction, removal or rendering harmless of Iraq's proscribed weapons and of all the related components, items and facilities, and the maintenance of a system of ongoing monitoring and verification to ensure that such prohibited weapons and items are not reconstituted in the future.

7. Central to the period of crisis was the issue of access by the Commission to the sites, documents and persons to which it needs to have access in the discharge of its mandate. The Security Council has established and reiterated that such access should be immediate, unconditional and unrestricted. In the Memorandum of Understanding, Iraq made the commitment to accord the Commission and IAEA such access.

8. While the denial of that access had been integral to the period of crisis, it must be noted that such access and the conduct of inspections generally is not, in itself, the prime objective or function of the Commission, but an important means through which the prime objective is approached, namely, the removal of Iraq's proscribed weapons and capabilities.

9. The report that follows below draws, carefully, this important distinction between process and substance and seeks, as far as possible, to focus on the latter.

II. STATUS REPORT: DISARMAMENT

A. Background

10. In its resolution 687 (1991), the Security Council laid down the obligation that Iraq should unconditionally accept the destruction, removal or rendering harmless under international supervision of its prohibited weapons. That resolution also sets forth the actions that need to be taken by Iraq in each of the proscribed areas - ballistic missiles and chemical and biological weapons - in fulfilment of its disarmament obligations.

11. Paragraph 22 of resolution 687 (1991) ties Iraq's actions with respect to the removal of its proscribed weapons to the removal of the prohibitions against the import of commodities and products originating in Iraq and the financial transactions related thereto set forth in resolution 661 (1990). This relationship has, naturally, led to significant focus being placed upon the state of affairs in each of the specified weapons "files". While such focus is on the matter of substance - the weapons - it is important to recall that the terms of paragraph 22 refer to the specific actions contemplated in paragraphs 8 to 13 of the same resolution. Paragraphs 8 to 10, for which the Commission is particularly responsible, provide the sole criteria on the basis of which Iraq's actions with respect to disarmament in the three specified weapons areas are to be assessed and, thus, the basis for a decision by the Council on the other matters referred to in paragraph 22.

12. Before providing detail on the substantive disarmament issues, a number of central points are recorded, briefly, because they form the indispensable context for any consideration by the Council of the current state of Iraq's compliance with its obligations.

13. Throughout the period of crisis, Iraq has claimed that it no longer has prohibited weapons "in the control of the Government of Iraq, in the territory of Iraq". It has stated, further, that it has made available to the Commission

all that is necessary to enable the Commission to verify that claim and that nothing further, of substance, will be made available by Iraq.

14. Iraq's claim that it has no more prohibited weapons, which it has not been possible for the Commission to verify, does not in itself satisfy the three-step system the Council established in order to enable Iraq to fulfil its obligations under resolution 687 (1991). Those three steps are full declaration by Iraq, verification by the Commission and destruction, removal or rendering harmless under international supervision. These three steps form the integrity of a whole process. They are not separable into individual parts.

15. While Iraq's present claim might be able to be interpreted as satisfying, at least partly, the first of these steps, its consistent refusal to provide the Commission with the information and materials needed to verify its claim, clearly fails to satisfy the second step. Taken together, these two circumstances make the third step impossible. Thus, the integrity of the whole process has not yet been satisfied.

16. This difficult circumstance is made even more complicated by Iraq's claim that it has unilaterally destroyed those of its prohibited weapons which were not destroyed under international supervision. While it is clear that in a number of weapons areas unilateral destruction did take place, again, Iraq's refusal to provide adequate and verifiable details of that destruction has meant that, up to the present time, the Commission has not been able to verify all of Iraq's claims with respect to such unilateral destruction.

17. It needs to be recorded that in relevant discussions between the Deputy Prime Minister of Iraq, Mr. Tariq Aziz, and the Executive Chairman, the Deputy Prime Minister indicated that, in his view, the main reason why Iraq's claims with respect to its weapons status were not accepted by the Commission was the Commission's lack of technical competence and bias against Iraq. Such views do nothing to alter the fact that Iraq's basic declarations of its holdings and capabilities in prohibited weapons areas have never been "full, final or complete", as required by the Council. Further, Iraq's failure to provide all of the materials and evidence required to fill in the gaps left by those declarations and its acts of unilateral destruction have significantly obfuscated the situation.

18. In the atmosphere that these regrettable circumstances have caused there has been, perhaps inevitably, some focus on the nature and/or standard of verification required to enable the Commission to enter credible reports under paragraph 22 of resolution 687 (1991).

19. If the Commission is to enter such reports credibly, where prohibited weapons have existed, it must be able to <u>verify positively</u> that they have been destroyed, removed or rendered harmless. Where items and facilities for the potential manufacture or constitution of such weapons existed or exist, it must be able to <u>verify negatively</u> that prohibited weapons are not being created. This is the standard that was envisaged by the Security Council and is the standard routinely applied in all comparable disarmament and arms control regimes.

20. In the following paragraphs of this section of the report, an account is given of the actions required of Iraq in each of the weapons areas coming within the mandate of the Commission; the stage arrived at with regard to each of those areas; and the Commission's view of priority issues revealed by the current state of affairs.

B. Proscribed missiles

1. Actions required of Iraq

21. The Security Council requires Iraq to unconditionally accept the destruction, removal or rendering harmless, under international supervision, of all ballistic missiles with a range greater than 150 kilometres and related major parts, and repair and production facilities (para. 8 (b) of resolution 687 (1991)).

22. To that end, Iraq is required to submit to the Secretary-General, within 15 days of the adoption of resolution 687 (1991), a declaration of the locations, amounts and types of all items just mentioned in the missile area (para. 9 (a) of resolution 687 (1991)).

23. The inadequacy of Iraq's initial declarations was one of the elements leading to the adoption of Security Council resolution 707 (1991) of 15 August 1991, in which the Council, inter alia, demands that Iraq provide full, final and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres, and of all holdings of such weapons, their components and production facilities and locations.

24. Iraq is further required to agree to urgent, on-site inspection by the Special Commission of its missile capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself (para. 9 (b) (i) of resolution 687 (1991)).

25. Other acts required of Iraq include the destruction by Iraq, under supervision of the Special Commission, of all its missile capabilities, including launchers (para. 9 (b) (ii) of resolution 687 (1991)).

26. Iraq is further required to unconditionally undertake not to use, develop, construct or acquire any of the items relating to the missile area specified in paragraph 21 of this report (para. 10 of resolution 687 (1991)).

27. To verify Iraq's compliance with the foregoing undertakings, in resolution 687 (1991) the Security Council requested the Secretary-General, in consultation with the Special Commission, to develop the plan for future monitoring and verification, which was approved by the Council in its resolution 715 (1991) of 11 October 1991. That resolution, inter alia, requires Iraq to meet, unconditionally, all its obligations under the plan.

28. In paragraph 7 of resolution 715 (1991) the Council called for the development of a mechanism for monitoring any future sales or supplies by other

countries to Iraq of items relevant to the implementation of section C of resolution 687 (1991). The mechanism was approved by the Council in resolution 1051 (1996) of 27 March 1996, which demands that Iraq meet, unconditionally, all its obligations under the mechanism.

2. Actions taken

29. Since the adoption of resolution 687 (1991), Iraq has presented not one but a series of different declarations on its proscribed missiles, related items and activities. At each stage, they reflected a different level of disclosure by Iraq, as well as omissions of proscribed weapons capabilities and activities that Iraq attempted to conceal. The current "Full, final and complete disclosure", which the Commission is still attempting to verify, was submitted by Iraq in July 1996.

30. At the time of the adoption of resolution 687 (1991), Iraq declared and then presented for destruction under international supervision only a portion of its holdings of proscribed missiles, major parts and missile-related capabilities. Iraq claims that the remainder was destroyed by it, unilaterally, mainly in mid-1991. This purported action by Iraq, in contravention of resolution 687 (1991), covered some two thirds of its operational missile force, including missiles, launchers, warheads and propellants. Despite Iraq's denials and concealment, the Commission identified, through its inspections and investigations, a number of proscribed items and capabilities and, in accordance with resolution 687 (1991), destroyed or rendered them harmless. This included production equipment and machine tools for indigenous manufacture of missiles.

31. The verification effort on Iraq's proscribed holdings and activities in the missile area has yielded significant results. Of particular importance is the accounting of such major operational assets as imported missiles of Scud/Al Hussein type and their launchers, which were destroyed unilaterally. Nevertheless, further work is required if the Commission is to be able to report credibly to the Security Council that Iraq has completed all actions contemplated in the missile-related paragraphs of resolution 687 (1991). The paragraphs immediately below provide a brief description of the status of the remaining priority issues.

3. Priority issues

Operational missile assets

32. After the accounting for imported proscribed missiles and their launchers as reported in the Commission's report of October 1997, work continued in the areas of missile warheads and propellants. Warhead issues were the subject of consideration by a technical evaluation meeting that was held in Baghdad from 1 to 6 February 1998. The meeting concluded that the level of verification achieved so far was not satisfactory and stated that further work was required. The meeting made specific recommendations for continuing verification activities by the Commission and actions to be taken by Iraq, including provision of documentation and new declarations. The excavation and analysis of warhead

remnants continues with advanced survey equipment. Iraq has not yet provided the information, data and documentation specified by the meeting.

33. The accounting of proscribed missile propellants is still outstanding. As Iraq has not provided the new declarations or documentation requested by the Commission, no substantive progress is able to be recorded in the six months since the Commission's last consolidated report to the Security Council.

Indigenous missile production

34. Iraq was required to provide verifiable declarations on its achievements in indigenous production of proscribed missiles, including a verifiable material balance of their components. The work, in particular in the area of verification of indigenously produced missiles and the unilateral destruction of components acquired for their production, has not yet yielded satisfactory results.

35. In its last consolidated report, the Commission stated that Iraq needed to provide solid documentary support for its declarations. It indicated that a full understanding of Iraq's operational considerations that led to the retention of proscribed missile assets after the adoption of resolution 687 (1991) was also required. The same was true for concealment measures that had been taken by Iraq to protect those assets. The Commission's various requests for clarifications, explanations, supporting evidence and documentation related to the outstanding issues in the missile area have been reiterated to Iraq on numerous occasions, in particular during the Executive Chairman's visits to Iraq and in his correspondence with the Government of Iraq.

36. It remains the case that, unless such data is furnished by Iraq, the Commission will continue to be unable to render a full and verified accounting of Iraq's proscribed missile capabilities and their elimination, as required by the Security Council.

C. Chemical weapons

1. Actions required of Iraq

37. The Security Council required Iraq to unconditionally accept the destruction, removal or rendering harmless, under international supervision, of all chemical weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities (para. 8 (a) of resolution 687 (1991)).

38. To that end, Iraq is required to submit to the Secretary-General, within 15 days of the adoption of resolution 687 (1991), a declaration of the locations, amounts and types of all items just mentioned in the chemical area (para. 9 (a) of resolution 687 (1991)).

39. The inadequacy of Iraq's initial declarations was one of the elements leading to the adoption of Security Council resolution 707 (1991) in which the Council, inter alia, demands that Iraq provide full, final and complete

disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres, and of all holdings of such weapons, their components and production facilities and locations.

40. Iraq is further required to agree to urgent, on-site inspection by the Special Commission of its chemical capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself (para. 9 (a) of resolution 687 (1991)).

41. Other acts required of Iraq include the yielding by Iraq of possession to the Special Commission for destruction, removal or rendering harmless of all chemical items specified in paragraph 37 of this report (para. 9 (b) (ii) of resolution 687 (1991)).

42. Iraq is further required to unconditionally undertake not to use, develop, construct or acquire any of the items relating to the chemical area specified in paragraph 37 of this report (para. 10 of resolution 687 (1991)). Iraq's compliance with this undertaking is subject to the Commission's plan for future monitoring and verification, and to the export/import mechanism, both referred to in paragraphs 27 and 28 of this report.

2. Actions taken

43. Since the adoption of Security Council resolution 687 (1991), Iraq has presented a series of declarations on its chemical weapons, related items and proscribed activities. At each stage, these declarations reflected a different level of disclosure by Iraq, as well as omissions of proscribed weapons capabilities and activities that Iraq had concealed. The current chemical "Full, final and complete disclosure" (FFCD), which the Commission is still attempting to verify, was submitted by Iraq in June 1996. Since then, Iraq has provided several additional letters of clarification, which, according to Iraq, should be considered an integral part of the FFCD.

44. At the time of the adoption of resolution 687 (1991), Iraq declared and presented for destruction under international supervision only part of the holdings of prohibited chemical weapons-related items and capabilities. Iraq claims that the remainder was destroyed, unilaterally, in mid-1991. This purported action by Iraq, in contravention of resolution 687 (1991), covered mainly significant quantities of VX precursors and chemical weapons (CW) munitions. Furthermore, Iraq concealed the previous involvement of some 400 pieces of dual-use production equipment in its past CW-related activities. Attempts to produce VX on an industrial scale was admitted only in 1995. Despite Iraq's denials and attempts to conceal, the Commission's verification efforts on Iraq's proscribed chemical weapons programme has yielded significant results.

45. A significant number of chemical weapons, their components and related equipment were identified and destroyed under UNSCOM supervision in the period from 1991 to 1997. This included over 38,000 filled and unfilled chemical munitions, 690 tons of chemical warfare agents, more than 3,000 tons of

precursor chemicals and over 400 pieces of production equipment. Significant progress was achieved in the investigation of the past CW-related activities with respect to information on types and quantities of chemical weapons developed and produced. This knowledge is essential for effective monitoring activities in Iraq.

46. Further work is required if the Commission is to be able to report with confidence to the Security Council that Iraq has completed all actions contemplated in relevant chemical weapons-related paragraphs of resolution 687 (1991). In the period under review, the Commission gave priority to the resolution of the four issues outlined in the report of the emergency session of the Special Commission of 21 November 1997 (S/1997/922, annex, para. 13).

3. Priority issues

47. The accounting for special (chemical and biological) warheads for the Al Hussein missiles was discussed in depth in the course of the technical evaluation meeting on missile warheads held in Baghdad from 1 to 6 February 1998. The meeting came to the conclusion that the level of verification achieved so far is not satisfactory and that Iraq is required to undertake additional steps to settle this issue.

48. In parallel, from 2 to 6 February 1998, the Commission conducted a technical evaluation meeting on the extent of Iraq's efforts to produce and weaponize the chemical warfare agent VX. The meeting confirmed the assessment given in the Commission's October 1997 report and determined that no full disclosure on the subject of VX had been made by Iraq and that further verification was required. It was also concluded that Iraq was capable of producing VX and that the retention of a VX capability by Iraq could not be excluded.

49. The Commission believes that further progress in the verification of the past VX-related activities could be achieved through finalization of the material balance of special munitions, full verification of the disposition of chemical weapons production equipment and sampling at VX-related sites.

50. Recently the Commission sent an international expert team to Baghdad to attempt to clarify the material balance of special munitions procured and produced by Iraq for CW and biological weapons (BW) purposes. For example, there remains concern that significant quantities of 155-mm rounds are unaccounted for. This has acquired additional importance in the light of the recent analysis of four intact 155-mm shells filled with mustard of the highest quality (purity of 94 to 97 per cent), even after seven years of exposure to extreme climatic conditions. This analysis was undertaken following Iraq's insistence that it was not necessary for the Commission to account for such extant munitions on the grounds that the CW agent with which they were filled would by now have degraded to an inert state. Clearly, these Iraqi munitions could be stored for decades without any loss of quality.

51. Furthermore, the Commission is currently preparing a mission related to the verification of the material balance of production equipment procured by Iraq

for CW-purposes. This mission will be carried out in the second half of April 1998. A full accounting on this issue would allow the Commission to have a better overall accounting of Iraq's CW activities.

52. In addition, the Commission will continue evaluation and verification of other chemical weapons issues mentioned in its report to the Security Council of 6 October 1997 (S/1997/774). This includes the accounting of all CW-related research and production projects in the area of CW agents and munitions carried out by Iraq in the period from 1988 to 1990; the disposition of "know-how" documentation on the production of various types of CW; and documentation on commercial contracts from Iraq's CW-related procurement activities.

53. The availability of verifiable substantiation of Iraq's various declarations would immensely speed up the clarification of all outstanding issues in the chemical weapons area. Iraq has been requested on numerous occasions to provide such documentary support. It has not done so.

54. It remains the case that unless such data is provided by Iraq the Commission will be unable to render a full and verified accounting of all Iraq's proscribed CW-related capabilities and for their elimination, as required by the Security Council.

D. Biological weapons

1. Actions required of Iraq

55. The Security Council required Iraq to unconditionally accept the destruction, removal or rendering harmless, under international supervision, of all biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities (para. 8 (a) of resolution 687 (1991)).

56. To that end, Iraq is required to submit to the Secretary-General, within 15 days of the adoption of resolution 687 (1991), a declaration of the locations, amounts and types of all items just mentioned in the biological area (para. 9 of resolution 687 (1991)).

57. The inadequacy of Iraq's initial declarations was one of the elements leading to the adoption of Security Council resolution 707 (1991), in which the Council, inter alia, demands that Iraq provide full, final and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres, and of all holdings of such weapons, their components and production facilities and locations.

58. Iraq is further required to agree to urgent, on-site inspection by the Special Commission of its biological capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself (para. 9 (i) of resolution 687 (1991)).

59. Other acts required of Iraq include the yielding by Iraq of possession to the Special Commission for destruction, removal or rendering harmless of all biological items specified in paragraph 55 of this report.

60. Iraq is further required to unconditionally undertake not to use, develop, construct or acquire any of the items relating to the biological area specified in paragraph 55 of this report. Iraq's compliance with this undertaking is subject to the Commission's plan for future monitoring and verification and to the export/import mechanism, both referred to in paragraphs 27 and 28 of this report.

2. Actions taken

61. Iraq denied that it had any offensive BW programme until July 1995. Since that time, a series of FFCDs have been submitted to the Commission, the latest in September 1997. Iraq now claims that its BW programme was "obliterated" in 1991 through the unilateral destruction of the weapons deployed, bulk agent and some documents associated with the programme. Notwithstanding this claim, which is itself unverifiable, it is established that Iraq retained the facilities, growth media, equipment and groupings of core technical personnel of its BW programme.

62. In September 1997, a panel of experts considered Iraq's 1997 biological FFCD and expressed the view that the document was incomplete, inadequate and technically flawed.

63. Accordingly, the Commission reported to the Security Council in October 1997 that Iraq had not disclosed the full scope of its BW programme. In meeting Iraq's request that it be allowed to present its view directly to externally appointed experts, an expanded international team of 18 experts from 15 countries was invited to take part in a technical evaluation meeting on all aspects of Iraq's BW programme.

64. This took place from 20 to 27 March 1998. The experts used all available information as well as Iraq's explanations and clarifications. Iraq did not provide any new information to the technical evaluation meeting. No additional confidence in the veracity or completeness of the FFCD was derived from the meeting.

65. Although Iraq contends that it has provided a full and complete account of its BW programme, the scope of its programme, acknowledged and defined in 1995 and in succeeding FFCDs, still does not cover the entirety of the BW programme. Iraq's FFCD is judged to be incomplete and inadequate and to contain major mistakes, inconsistencies and gaps in information. The FFCD does not provide a clear understanding of the current status of the BW programme nor whether, nor when, it was terminated.

66. In this overall context, it is important to mention that, in March 1998, the Commission discovered in Iraq a document, dated 1994, which indicated the existence, at a site monitored by the Commission's missile monitoring team, of a

programme for the manufacture of nozzles for spray dryers to be delivered to Al Hakam, Iraq's principal biological weapons production facility.

67. Also, in September 1997, the Commission discovered in Iraq another relevant set of documents relating to discussions held in 1995 by Iraq and a potential supplier for the possible importation of a single-cell protein facility, the potential dual-use character of which is beyond question. Following contact with the potential supplier, the Commission was assured that no contract was concluded and that no request to supply such materials and equipment had been submitted to the national export control agency of the potential supplier, either in 1995 or in subsequent years.

3. Priority issues

68. Specific concerns identified by the technical evaluation meeting of March 1998 included the following.

History

69. Iraq has provided a selected and incomplete history of the BW programme. It does not include the evolutionary aspects of the BW programme nor an adequate account of the funding and budgetary arrangements. Iraq must provide the Commission with an accurate record of its BW programme.

Organizations

70. There is a general lack of information concerning relevant organizational arrangements from the highest levels down and their connections to functional organs. All involvement of the Ministries of Defence, Health, Intelligence or other relevant agencies is denied by Iraq, contrary to the available evidence. The organizations driving or influencing the BW programme are not disclosed. This reflects negatively on the credibility of all aspects of the FFCD. Had biological weapons been integrated into Iraq's strategic arsenal, military objectives, concepts of use and mechanisms for releasing the weapons would have been defined. Iraq denies the existence of any such planning.

Acquisitions

71. The FFCD is deficient in reporting the acquisition of supplies, material, seed strains, munitions and equipment. Substantial quantities of microbial growth media are not reported or included in the material balance. Iraq has not provided complete information on all its acquisition channels.

Research and development

72. All research and development is minimized by Iraq. No rationale is presented for selection of agents or inclusion of particular technologies. All planning is denied. Management and development of the research programme is not presented in its totality. The quality of all the scientific information in the FFCD is poor, with more emphasis on methods than on results. Iraq's portrayal

of the aerobiology development, with no bearing on other components of the research programme, is contradicted by information held by the Commission.

Production

73. Iraq maintains that it is difficult, if not impossible, to provide any verifiable account of production because relevant documents had been unilaterally destroyed. The claimed production quantities of BW agents are inadequately supported. There is low confidence in the stated production figures. The use by Iraq of recollection and back-calculation, based on weapons filling needs and/or the "1990 Al-Hakam report", is flawed and, consequently, the figures are not reliable.

Weaponization

74. Statements on production and filling of munitions are inadequately supported. Destruction of the BW munitions and weapons cannot be reconciled with the physical evidence. The inability or unwillingness by Iraq to provide a verifiable account of its BW munitions and weapons casts doubts on many aspects of the BW weaponization programme. The significance of Iraq's BW aircraft drop-tank project is minimized and information provided is deficient. The denial of any planning or involvement of relevant agencies in weapons selection, filling, deployment or destruction is not credible. Weapons research into other systems, including cluster munitions and remotely piloted vehicles, is inadequately described. This lack of candour raises the possibility of research or development of undisclosed systems.

Material balance

75. The numerical accounting, based on estimates, of the growth media balance is flawed. Figures of BW agent production are also based on estimated quantities. Figures provided are insufficiently supported to determine a material balance. The construction of a material balance, based primarily on recollection, provides no confidence that weapons, bulk agents, bulk media and seed stocks have been eliminated.

76. The Commission will continue its pursuit of the facts of Iraq's proscribed BW programme, but given the situation described above, it requires new verifiable information from Iraq before the Commission can assess the full scope of Iraq's BW programme.

77. Unless such information is forthcoming, the Commission will not be able to provide a credible report required with respect to Iraq's BW capabilities, as required by the Security Council.

E. Steps required

78. In sections B to D of this status report on disarmament, priority areas for future action are outlined. It is important that their nature be understood.

79. The basic circumstances the Commission has faced in attempting to bring Iraq's prohibited weapons and related items to account were described in the introductory paragraphs and then specified in each weapons area in this section of the report. These circumstances point to a list of priorities for future action as an important guide to both Iraq and the Commission on how they might move expeditiously towards the achievement of the required full accounting. But there are dangers in viewing such a list as definitive, that is, as providing a finite list, which, if satisfied, would mean that all outstanding issues would be accounted for.

80. While this is the outcome the Commission earnestly seeks, the Commission's ability to verify positively that "Iraq has completed all of the actions contemplated" necessarily relies upon the availability of all relevant materials. If the Commission presented Iraq with a finite list, it is not unreasonable to consider that Iraq might take action to satisfy only that list positively, thus leaving aside other relevant materials known to it but possibly not known to the Commission. To proceed in this way could water down Iraq's primary obligation to make all relevant materials available. Furthermore, to replace that obligation with the Commission's own list would effectively transfer the onus of establishing the basic facts from Iraq to the Commission. The Commission's list would become the standard of proof, not Iraq's compliance with what the Security Council has repeatedly declared to be the sole governing standard, namely, Iraq's compliance with the resolutions and decisions of the Council. Those resolutions provide that Iraq should submit its truth for verification by the Commission, not the reverse.

81. Having made this fundamental point, the Commission can confirm, however, that to the best of its knowledge, considerable progress towards a full accounting of Iraq's prohibited weapons capabilities could be achieved if Iraq were to provide all relevant materials connected to the issues mentioned as priority issues.

82. It should be evident that full cooperation by Iraq is basic to the three-step process envisaged by the Council. Were such cooperation to replace mere declaration, without supporting evidence by Iraq, and its policy of seeking to minimize the information it makes available to the Commission, the Commission's ability to bring to account Iraq's prohibited weapons and related items would improve considerably. Under such circumstances, the Commission's verification activities could be completed in a short time.

83. In the same context, it is necessary to record a comment on the role of technical evaluation meetings. This new means of seeking greater clarity about Iraq's prohibited weapons and items was established by the Commission in January 1998, following representations to it by Iraq in December 1997. Since that time, repeated statements by Iraq have made clear that it places great importance on the technical evaluation meeting process as a major means of demonstrating the truth of its claim that it no longer has any prohibited weapons.

84. Now that the first technical evaluation meetings have been held - one each in the missile, chemical and biological areas - at least two salient facts have emerged.

85. Firstly, not only did the process fail to improve the Commission's ability to verify positively Iraq's claims about its prohibited weapons status, but, in each case, the process indicated further areas of lack of clarity and uncertainty and the need for further work in the field rather than at a conference table.

86. Secondly, the technical evaluation meetings have become an extremely time-consuming process for the Commission and have slowed down and, in some cases, led to the postponement of important field work. The question of the possible substitution of technical evaluation meetings for more concrete work in the field, whether by accident or design, is a matter of concern to the Commission and, in its view, should also be a matter of concern to Iraq, given that the only way outstanding issues may be able to be resolved is by material results as against conceptual results established through argument and discussion, much of which has proven to be political in character rather than technical.

87. These latter comments about the possible disutilities of the technical evaluation meeting process would not be made had Iraq done what it indicated it would do, namely, brought to each of the technical evaluation meetings new materials that would help explain and verify its claims with respect to its prohibited weapons programmes. As the reports of the technical evaluation meetings have indicated, it significantly failed to do this even though the process was created at Iraq's request to enable it to prove its claims. This was specially true in the area of the technical evaluation meeting on biological weapons.

88. Returning to the question of field work, in the area of disarmament, inspections continue to be of considerable importance. It also continues to be true that the frequency and intrusiveness of inspection relies, in large measure, on the extent to which Iraq cooperates, in the first instance, by providing accurate declarations supported by credible evidence. To the extent that such declarations either clearly lack credibility and/or are not accompanied by relevant evidentiary material, then, to the same extent, the Commission is obliged to mount more frequent and more, rather than less, searching inspections.

89. Work in the field is also an indispensable part of the Commission's work of ongoing monitoring and verification. Through this work, the Commission obtains the required negative verification that dual-capable equipment and facilities are not being diverted to prohibited purposes.

90. In conclusion, Iraq's claim, uttered repeatedly and sometimes stridently during the period under review - to the effect that it is now absolutely free of any prohibited weapons and the equipment used to make them - is a claim that most would prefer to be true but which has not been able to be verified. The Commission's mandate does not permit it to accept disarmament by declaration alone.

91. The Commission has striven to improve the situation by a range of actions, including the new technical evaluation meeting process, but, unfortunately, Iraq has so far failed to deliver what is required to verify its claim even though it

has been asked for this help repeatedly and has promised to give it in, for example, the Memorandum of Understanding of 23 February 1998.

III. STATUS REPORT: ONGOING ISSUES

A. Emergency session of the Special Commission

92. At the request of the Security Council, the members of the Special Commission convened in emergency session on 21 November 1997 in order to discuss and advise on ways of making the work of the Commission more effective, on the basis of the resolutions of the Security Council. The report of the session (S/1997/922) was transmitted by the Executive Chairman to the Security Council on 24 November 1997. On 3 December 1997, the Council endorsed the conclusions and recommendations in that report (S/PRST/1997/54).

1. Actions by the Commission

93. The Special Commission has implemented most of the recommendations of the emergency session, including those relating to ongoing monitoring and verification. The effectiveness of the Special Commission has been improved by the increasing contribution by the Commissioners to its regular work. The Commission's staff continues to investigate technologies that could assist in the effective implementation of its inspection work, including the possibility of utilizing additional aircraft and sensors provided by Governments to the Commission.

2. Actions by Governments

94. Among the recommendations was a call upon Governments to provide experts, equipment and services, as well as information, in particular supplier information, relevant to Iraq's proscribed programmes.

95. Governments responded with the continued provision of experts, equipment and services. An increasing number of countries are providing experts to participate in inspection teams. The Special Commission wishes to reiterate that in choosing experts, the prime consideration is not nationality but rather the competence of experts in the areas of weapons of mass destruction and their production. The need for such expertise may limit the number of countries that are able to supply qualified personnel.

96. The response to the Commission's observations on the importance of the contributions that Governments can make through the provision of information, in particular supplier information relevant to Iraq's proscribed programmes, has been disappointing, especially in cases where the Commission's requests to certain Member States, including members of the Security Council, for information known to be in their possession have been outstanding, in some instances for a number of years.

3. Actions by Iraq

97. Despite the Council's endorsement of the recommendations of the emergency session of the Commission, Iraq has essentially failed to fulfil the steps addressed to it. Iraq has not provided the necessary information to overcome the deficiencies, in particular in the chemical and biological areas. Contrary to the decisions of the Council and its own undertakings, Iraq has also confirmed its refusal to permit the Commission's fixed-wing aircraft to land at Rasheed Airbase and at Basrah International Airport.

B. Plenary session of the Special Commission

98. The fifteenth plenary session of the Commission was held in New York on 30 and 31 March 1998. The members of the Commission discussed draft elements for inclusion in the Commission's April report. There was a general sense of satisfaction with the increased participation of the Commissioners in the delegations accompanying the Executive Chairman in his regular meetings with the Iraqi authorities in Baghdad. It was also agreed that Commissioners should take part, as appropriate, in future inspections in Iraq.

99. The Permanent Representative of Iraq to the United Nations requested the opportunity to make a presentation of Iraq's position. Commissioners agreed to that request. The members of the Commission also agreed, in response to an oral request from the Deputy Prime Minister of Iraq, that a technical delegation from Iraq could also be invited to make a presentation at the next plenary meeting.

C. Implementation of the Memorandum of Understanding

100. In addition to the provisions for the entry into the presidential sites in Iraq, the Memorandum of Understanding of 23 February 1998 also recorded that Iraq reiterated its acceptance of all relevant Security Council resolutions, its undertaking to cooperate fully with the Commission and IAEA and its agreement that all other areas, facilities, equipment, records and means of transportation should be subject to UNSCOM and IAEA procedures hitherto established.

101. The report on the initial entry to the eight presidential sites has been presented separately to the Security Council, in accordance with the procedures established pursuant to the Memorandum of Understanding (see S/1998/326).

102. With regard to access to any other site for inspection, shortly after the Security Council endorsed the Memorandum of Understanding, the Commission dispatched UNSCOM 227 to resume its inspection activities in Iraq. Previously, in January 1998, UNSCOM 227 had been blocked by Iraq during its first day of activities and the Executive Chairman had consequently decided to withdraw the team from Iraq.

103. On this occasion, the Government of Iraq allowed the team to enter all the sites designated for inspection. Several sites were declared by Iraq as sensitive, including the Ministry of Defence. The guidelines "Modalities for inspection of sensitive sites" of 22 June 1996, expanded by the Chairman after

consultations with the Deputy Prime Minister of Iraq in December 1997, were applied and fully respected.

104. The Chairman had previously expressed to the Iraqi side and to the Council his view that the original "Modalities for inspection of sensitive sites" did not work and that modifications were necessary. Accordingly, during his discussions in Baghdad in December 1997 and January 1998, the Chairman proposed that the "modalities" be expanded. The Deputy Prime Minister raised no objection. The result of the inspections performed by UNSCOM 227 showed, in practical terms, that the expanded "modalities" had worked satisfactorily. This was a very positive development, which the Commission hopes will be maintained for future inspections.

D. Presidential sites: baseline survey

105. The report on the initial entry to the eight presidential sites has been forwarded separately to the Security Council. It reflected the achievement of entry to locations that had previously been off limits; the limited objective of undertaking a baseline survey; and the establishment of precedent for future entries.

106. The baseline survey has the definite utility of providing important data and focus to follow-on, potentially no-notice, inspections. This will be important for long-term monitoring as well as resolving questions about the disposition and possible concealment of proscribed weapons and items.

107. The mission also accomplished clarifications of the precise perimeters of the designated presidential sites. The precise revisions to those areas will also be forwarded separately to the Security Council.

108. While there was a good level of mutual cooperation, the report of the Head of the Team reflected the difference of view on continuing access to the presidential sites that emerged at the end of the initial entry. While the exercise of the right of access may vary with time, it will be exercised by UNSCOM/IAEA. The need for the right of such access is vital to credible monitoring in the future under resolution 715 (1991).

E. Ongoing monitoring and verification

1. Internal developments

109. As noted in the Commission's October 1997 report (S/1997/774) and endorsed by the emergency session, the Commission is undertaking a review of the entire monitoring system in order to ensure that it remains focused on achieving its aims. After more than three years of operations and the experience of the export/import mechanism, it is clear that certain elements of the original concept of the monitoring system cannot be implemented in practice without a very significant increase in the resources of the system.

110. While cooperation by the Government of Iraq remains pivotal to the efficacy of the monitoring system, the system must nevertheless be operable, practically, if it is to be credible.

2. Developments in relations with Iraq

111. During the reporting period, the major event in the monitoring field occurred following Iraq's decision of 29 October 1997 imposing unacceptable conditions upon cooperation with the Commission. Monitoring inspections did not resume until 22 November 1997. The details of events during that period are given in the annex to this report.

112. As a result of the transgressions that occurred during November 1997, the Executive Chairman wrote to the Government of Iraq on 26 November 1997, seeking information concerning the items subject to monitoring that had been removed from their locations in contravention of Iraq's obligations under the monitoring plans. The Government of Iraq responded on 28 November 1997, stating that such information was not necessary. As a consequence of this lack of cooperation, several inspections were conducted to try to establish what had occurred during the period when the Commission was unable to conduct monitoring. In the report to the Security Council of his visit to Baghdad in January 1998 (S/1998/58, annex), the Executive Chairman confirmed that the Commission had not found direct evidence of the prohibited use of dual-use equipment.

113. The Commission's resident monitoring teams continue to experience varying levels of cooperation from the National Monitoring Directorate in the execution of their tasks. While the support at the working level is generally satisfactory, there continue to be incidents of non-compliance. These include late or incorrect declarations; movement of tagged equipment without proper notification; lack of access to sites and rooms through the absence of keys; discrepancies between a site's own declarations and those submitted by the Directorate; interference by personnel of the Directorate in the progress of inspections; false replies by site personnel; site personnel departing sites before inspections could be completed; and sites providing two different directors general for the same site to different teams. In relative terms, such incidents are small in number but nevertheless have a derogatory effect on confidence in the system.

114. During the current reporting period, Iraq continued the development of the Al Samoud missile, which, according to its design, is capable of maximum ranges close to 150 kilometres, the limit permitted to Iraq for surface-to-surface missile systems under Security Council resolution 687 (1991). Iraq continued to use non-Iraqi made components, including some from imported Volga surface-to-air missiles, in its Al Samoud missiles.

115. On 26 November 1997, the Commission restated its position that the ongoing monitoring and verification plan did not allow for the use of certain components from surface-to-air missiles in non-proscribed surface-to-surface missiles as they could be used for the conversion of the surface-to-air missiles to surface-to-surface missiles of proscribed ranges. The issue of the use of the components of Volga missiles in the development of Al Samoud missiles was raised

by the Executive Chairman during his visit to Iraq in March 1998. The Iraqi side did not accept the Commission's contentions. Further consideration of these matters will take place. Iraq did not comply with the Commission's requests for technical information on the system, as noted in the annex to this report.

F. Export/import

116. During the reporting period, the joint unit of the Commission and IAEA has received notification of some 50 transactions involving the intended export to Iraq of items identified in the Commission's and IAEA's plans for ongoing monitoring and verification. The majority of these items are being provided to Iraq under the provisions of Security Council resolution 986 (1995) and related resolutions. The 18 months in which the system has been operating have proved illuminating in terms of the practical operation of the system. Of principal importance is the fact, as noted earlier, that significant additional resources would be required to implement current procedures fully. This has serious implications for the time when there is an easing or lifting of the sanctions and underscores the requirements for the review currently under way.

117. The level of cooperation from the Governments having jurisdiction over suppliers has generally been satisfactory, although there continues to be a lack of understanding about the reporting requirements and the items and materials upon which notification is required.

G. Concealment investigations

118. As already indicated in this report, Iraq has never fulfilled the primary obligation to provide complete and verifiable declarations in any of the weapons areas specified by resolution 687 (1991). Iraq has admitted that it had a policy of either total concealment or significant under-representation of its proscribed weapons and missile activities. In the cases of nuclear weaponization, biological weapons, VX nerve agent and indigenous ballistic missile production, Iraq began to disclose these programmes only after inspection teams uncovered proof of its undeclared activities.

119. Iraq has also claimed that in mid-1991 it unilaterally destroyed all of its concealed proscribed weapons, missile systems and documents. Because many of the specific claims about these purported unilateral destruction actions remain unproven, including the destruction events themselves, the Commission cannot positively verify that proscribed items, and documents relating to them, no longer exist in Iraq. In addition, information at the disposal of the Commission points towards the possible continued existence of such prohibited items.

120. As a result of those events, the Commission has developed, and continues to carry out, a system of mutually supporting investigations and on-site inspections designed to establish the absence of proscribed items and that dual-use items and materials are not being applied to proscribed purposes. The ongoing application of these verification procedures is intended to provide

confidence that all proscribed items and activities have been disclosed by Iraq and eliminated.

121. As part of the Commission's efforts to verify Iraq's declarations, specifically its assertion that it is now free of proscribed items and materials, the Commission maintains a capable sites and concealment investigation unit. The series of inspections mounted by this unit are based on data available to the Commission from a wide range of sources, including Iraq's documents, interviews, U2 imagery and previous inspection findings.

122. The official Iraqi position on this matter is that it ended its concealment efforts in late 1991, dismantling the concealment mechanisms, but that the late Lt.-Gen. Hussein Kamel continued, on a personal basis, some concealment activities until his departure from Iraq in 1995. In this regard, it is critical for the verification of Iraq's declarations that the Commission not only establish that active concealment efforts have ceased, but also that the mechanisms of concealment used by Iraq have been found to have been dismantled.

123. This issue remains a vexing and pertinent one, for the Commission has information that contradicts Iraq's statements. For example, in March 1998, the Commission discovered documents in Iraq, dated 1993, that reflect Iraq's concealment activities at that time involving the destruction, removal and safeguarding of documentation relating to proscribed activity in the field of ballistic missiles.

124. More importantly, the documents reflect, yet again, a systematic attempt by Iraq - not solely by an individual - to deceive the Commission, as late as 1993, regarding the true nature and extent of Iraq's proscribed missile programmes. The documents contradict current Iraqi declarations concerning its earlier concealment activities and underscore the importance of continued vigilance and activity on the part of the Commission on the issue of concealment.

IV. COMMENTS AND CONCLUSIONS

125. The period covered by this report has been one of intense activity in the relationship between Iraq and the Special Commission; in the Security Council's consideration of the question of Iraq; and in actions taken by the Secretary-General in fulfilment of his unique role in conjunction with the Charter's requirement that disputes be settled, wherever possible, by peaceful means.

126. Four developments deserve to be singled out as having been of major importance during the period covered by this report.

127. Firstly, while Iraq has claimed for some time that it no longer holds prohibited weapons or systems, this claim has perhaps never been voiced so categorically as in the period under review. That this claim has been made is perhaps not, in itself, remarkable, but the associated insistence by Iraq that it has already made available to the Commission all the materials and information it needs to verify its claim and that no more evidence would be made available by it is significant.

128. Secondly, in particular during the period of crisis, Iraq repeatedly failed to comply with the Council's requirements, especially those relating to immediate, unconditional and unrestricted access to relevant sites, documents and persons. It was therefore of major potential significance that the Secretary-General was able to obtain Iraq's promise, in the Memorandum of Understanding of 23 February, to comply henceforth with the Council's requirements.

129. Thirdly, there was a significant trend towards substituting consideration of issues of process for consideration of issues related to the destruction, removal or rendering harmless of Iraq's prohibited weapons and systems.

130. Fourthly, as is evident in the disarmament section of this report, a major consequence of the four-month crisis authored by Iraq has been that, in contrast with the prior reporting period, virtually no progress in verifying disarmament has been able to be reported. If this is what Iraq intended by the crisis, then, in large measure, it could be said to have been successful.

131. Iraq's heightened policy of disarmament by declaration, no matter how vigorously pursued or stridently voiced, cannot remove the need for verification as the key means through which the credibility of its claim can be established.

132. The Memorandum of Understanding contains a clear promise by Iraq of compliance with the resolutions and decisions of the Council and full cooperation with the Commission. It is thus a document of irreducible significance. If Iraq offers full and real cooperation, it will not find the Commission lacking in its willingness or ability to verify honestly, with a high degree of scientific and technical competence and with all possible dispatch, materials that would validate Iraq's claim and lead to a full accounting in all weapons areas.

133. The Commission is fully cognizant of the fact that all policy matters are the prerogative of the Security Council, including with respect to any judgement it might make on whether or not the obligations set forth in resolution 687 (1991) and the particular provisions of paragraph 22 of that resolution have been fulfilled.

134. The Commission is aware that the Council will want to be sure that any judgements it makes, in that context, are fully informed by the best scientific and technical advice available to it. The Commission will continue to strive to provide that advice and to fulfil, to the best of its ability, the mandate given to it by the Council.

Annex

Iraq's compliance with paragraphs 2 and 3 of Security Council resolution 1115 (1997)

1. In paragraph 4 of its resolution 1115 (1997) of 21 June 1997, the Security Council requested the Executive Chairman of the Special Commission to include in his consolidated progress reports under resolution 1051 (1996) an annex evaluating Iraq's compliance with paragraphs 2 and 3 of that resolution.

2. In its resolution 1134 (1997) of 23 October 1997, the Security Council also requested that the Chairman of the Special Commission include in all future reports prepared under resolution 1051 (1996) an annex evaluating Iraq's compliance with paragraphs 2 and 3 of resolution 1115 (1997).

3. In paragraph 2 of resolution 1115 (1997), the Security Council demands that Iraq cooperate fully with the Special Commission in accordance with the relevant resolutions and that the Government of Iraq allow the Special Commission inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transport that they wish to inspect, in accordance with the mandate of the Commission since 1991.

4. In paragraph 3, the Council demands that the Government of Iraq give immediate, unconditional and unrestricted access to officials and other persons under the authority of the Government of Iraq whom the Special Commission wishes to interview so that the Commission may fully discharge its mandate.

5. In the paragraphs that follow, an account is given of events bearing on the implementation by Iraq of the foregoing obligations since the Commission's last report on 6 October 1997 (S/1997/774).

6. On 29 October 1997, the Deputy Prime Minister of Iraq wrote to the President of the Security Council (S/1997/829, annex) advising, inter alia, that as of 1.00 a.m. on 30 October 1997, no United States nationals would be allowed to participate in any UNSCOM activities in Iraq. All United States nationals were also required to leave Iraq within seven days of that date.

7. On 29 October 1997, the President of the Security Council made a statement on behalf of the Council in which the Council, inter alia, condemned Iraq's action and warned of the serious consequences of Iraq's failure to comply immediately and fully with its obligations under the relevant resolutions (S/PRST/1997/49).

8. Despite the Council's action, on 30 October, the Executive Chairman reported to the Council that three inspectors of United States nationality had been refused entry to Iraq that day (S/1997/830). This obstruction was subsequently repeated and represented a further violation by Iraq, over and above the intended violations described in the letter of 29 October from the Deputy Prime Minister to the President of the Council.

9. On 2 November, the Permanent Representative of Iraq to the United Nations wrote to the Executive Chairman concerning the Commission's high-altitude surveillance aircraft (S/1997/837, annex). The letter characterized the plane as a "US spy plane" and stated that its presence in Iraqi airspace could not be accepted and that the Executive Chairman would bear the responsibility for the consequences that would ensue from a decision to send the plane into Iraq.

10. On 3 November, the first day on which inspections were attempted following the Council's receipt of the Iraqi letter of 29 October 1997, a missile inspection team was told that their inspection could proceed but not with its personnel of United States nationality. Iraq's actions effectively blocked all inspection activities by the Commission. The President of the Council was advised of this blockage by the Executive Chairman (S/1997/837). This violation was repeated by Iraq on subsequent days.

11. On 5 November, the Executive Chairman advised the President of the Council that he had postponed the high-altitude surveillance aircraft mission scheduled for that week, in response to a request from the Secretary-General of the United Nations (S/1997/848). The Executive Chairman also wrote to the Government of Iraq announcing that the postponed flights would resume the following week. The Government of Iraq responded the following day, repeating the language used in the letter of 2 November (annex to S/1997/864 of 7 November).

12. On 5 November, the Executive Chairman also reported to the President of the Council that the Commission's inspection teams had again been blocked and that significant pieces of dual-capable equipment, subject to monitoring by the Commission's remote camera monitoring system, had been moved out of the view of the cameras. The movement of such equipment, without prior notification, is prohibited under the Commission's monitoring plan. The letter also reported that camera monitoring equipment had been tampered with (S/1997/851).

13. On 6 November, the Minister for Foreign Affairs of Iraq wrote to the President of the Council admitting, inter alia, that dual-capable items subject to monitoring had been removed from sites under monitoring (S/1997/855, annex).

14. In a statement to the press on 6 November, the President of the Council announced that the Security Council had stated, inter alia, that to interfere in any way in the ongoing monitoring was not in conformity with the relevant Council resolutions and hoped that any recurrence by Iraq would be avoided.

15. On 7 November, the Executive Chairman wrote to the President of the Security Council reporting that inspection teams had again been blocked, including a team whose task was to change cassettes on chemical air samplers (S/1997/864).

16. Following a flight over Iraq by the Commission's high-altitude surveillance aircraft, on 10 November, the Minister for Foreign Affairs of Iraq wrote to the Secretary-General noting, inter alia, that Iraq would act in regard to aircraft that violated Iraqi airspace in such a way as to safeguard Iraq's sovereignty and security (S/1997/867, annex).

17. On 12 November, the Security Council unanimously adopted resolution 1137 (1997), inter alia, condemning Iraq's continued violations of its obligations and demanded that Iraq rescind its decision of 29 October 1997 and cooperate fully and immediately with the Special Commission.

18. On 13 November, the Executive Chairman reported to the President of the Council that, in response to the adoption of resolution 1137 (1997), the Government of Iraq had sent a letter to the Commission's Baghdad Monitoring and Verification Centre announcing that all United States personnel working for the Special Commission would be required to leave Iraq immediately (S/1997/883). The Government of Iraq refused a request by the Commission to allow the personnel concerned to leave by aircraft the following day. Eight inspectors thus drove from Iraq overnight to Jordan. In view of the action taken by the Government of Iraq, the remainder of the Commission's and IAEA's inspectors were withdrawn on 14 December 1997.

19. The action taken by the Government of Iraq was condemned in a statement by the President of the Security Council on behalf of the Council, on 13 November, which, inter alia, demanded the immediate and unequivocal revocation of the action by the Government of Iraq (S/PRST/1997/51). The Government of Iraq, however, did not rescind its decision until 20 November, when, following on intensive diplomatic efforts, led by the Russian Federation, Iraq announced that the Revolutionary Command Council had decided to invite all inspectors back to Iraq (S/1997/908, annex).

20. On 26 November, the Executive Chairman wrote to the Government of Iraq seeking information concerning the items subject to monitoring that had been removed from their locations, in contravention of the Commission's monitoring plans. The Government of Iraq responded, on 28 November 1997, stating that the provision of such information was not necessary.

21. During an inspection on 26 November, it was found that cables supplying power to the camera monitoring system at an inspection site had been severed. Iraq's National Monitoring Directorate responded that it had been the work of a psychopath.

22. Within the framework of its efforts to improve monitoring of Iraq's missile activities, the Commission, in a letter dated 26 November 1996, requested Iraq to provide some additional technical data on its missiles and their major components, which were under development or production. As Iraq did not provide this data, the Executive Chairman, in a letter of 8 December 1997, stated that this failure was an instance of non-cooperation. He asked that Iraq rectify the situation without further delay. Up to the present, the Commission has not received the data sought.

23. On 3 December, the President of the Council issued a statement on behalf of the Council (S/PRST/1997/54) in which the Council, inter alia, reiterated its demand that Iraq fulfil all its obligations, as set out in all the relevant resolutions.

24. During the Executive Chairman's visit to Baghdad from 12 to 16 December 1997, he sought assurances from the Government of Iraq that it would

grant the Commission immediate, unconditional and unrestricted access to all sites. The Deputy Prime Minister responded that there were five categories of sites in Iraq. Those constituting "presidential and sovereign" sites would not be allowed to be inspected or overflown under any circumstances. He said he was aware that Iraq's exclusion of those sites might not be acceptable to the Council, but Iraq's position was absolute. This was reported to the Security Council by the Chairman on 17 December (S/1997/987).

25. During the UNSCOM inspection 218 on 22 December, representatives of the Government of Iraq violated the arrangements for the conduct of sensitive site inspections by failing to provide immediate access to a site, failing to prevent movement into and out of the site and failing to freeze the movement of personnel inside the site once the inspection team had begun its inspection.

26. On 22 December, the President of the Council made a statement on behalf of the Council (S/PRST/1997/56) concerning the Executive Chairman's report of his visit to Iraq. The statement noted that the Council, inter alia, stressed that failure by the Government of Iraq to provide the Commission with immediate unconditional access to any site or category of sites was unacceptable and a clear violation of the relevant resolutions. Iraq did not reverse its position.

27. On 12 January 1998, the Government of Iraq announced that, on the basis of the nationalities present on the UNSCOM 227 inspection team, the team would not be permitted to conduct any further inspection activity in Iraq. The decision was enacted the following day when no Government of Iraq representatives were provided to escort the inspection team and the inspection was therefore cancelled. In response, the action taken by the Government of Iraq was, inter alia, deplored by the Council in a presidential statement of 14 January 1998 (S/PRST/1998/1).

28. During the Executive Chairman's visit to Baghdad from 19 to 21 January, reported in his letter of 22 January 1998 (S/1998/58), the Government of Iraq did not agree to the Council's demand on access, instead proposing a three-month moratorium on any attempt by UNSCOM to visit presidential and sovereign sites. Iraq also rejected the Chairman's request that the Commission's fixed-wing aircraft be permitted to exercise the Commission's right to use airbases throughout Iraq, in particular Rasheed Airbase in Baghdad, where the Commission's helicopters are based. This issue had been raised with the Deputy Prime Minister of Iraq during the Chairman's visits in September and December and the need for the full exercise of this right was endorsed by the emergency session of the Special Commission in November 1997.

29. On 2 March, the Council adopted resolution 1154 (1998), which, inter alia, noted that, by its failure so far to comply with its relevant obligations, Iraq had delayed the moment when the Council could act in accordance with the relevant provisions of resolution 687 (1991) on the duration of the prohibitions referred to in that resolution.

30. From 5 to 12 March, UNSCOM 227, which had been previously cancelled owing to Iraq's non-cooperation, conducted a series of inspections of a number of sites. Several of the sites were declared by Iraq as sensitive, including the Ministry of Defence. On this occasion, UNSCOM 227 was allowed to inspect the

sites, applying the modalities for inspection of sensitive sites document, as amended by the Chairman after consultation with the Deputy Prime Minister of Iraq in December 1997. The Iraqi authorities gave the team full access to all those sites. The Chairman's appreciation of Iraq's cooperation was conveyed to the Iraqi side during his visit to Baghdad on 24 March 1998.

31. From 25 March to 4 April, a team from the Special Group established under the Memorandum of Understanding of 23 February 1998, composed of experts designated by the Chairman of the Commission and the Director General of IAEA, and senior diplomats designated by Mr. Jayantha Dhanapala, conducted a baseline survey of the eight presidential sites in Iraq. The Iraqi side provided full cooperation to the team, which conducted the survey without incident, with full access to all the buildings in the sites. The team was able to exercise all the rights accorded to the Commission and IAEA in the Security Council resolutions and the Agreement of May 1991 between the United Nations and Iraq.